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Of Attorneys for Debtor
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8 IN THE UNITED STATES BANKRUPTCY COURT
9
FOR THE DISTRICT OF OREGON

10 In re:) Case No.: 14-33384-tmb13
11)
SCOTT RONALD WILLOUGHBY,) AMENDED RESPONSE OF DEBTOR TO
12) MORTGAGE COMPANY 4100R FILING,
Debtor.) AND MOTION FOR HEARING ON MORTGAGE
13) CURE AND FORM 4100R FILING BY US
14) BANK

15 Debtor, Scott Ronald Willoughby, by and through his
16 attorney, Richard J. Parker, hereby objects to the 4100 R
17 Response filed by US Bank Trust National Association, as Trustee
18 of the SCIG Series III Trust.

19 First, the response is deficient in that it does not
20 include the Itemized Payment History required in Part 4 of the
21 form reflecting payments made on the account, particularly post-
22 petition payment made by Debtor.

23
24 Second, as indicated by the docket in this case, the
25 predecessors of creditor have filed 2 motions for relief from

1 stay which were withdrawn when creditors could not provide a
2 payment history or explain failure to credit payments made by
3 Debtor. The original servicer at the time of filing was OCWEN
4 and they did not file a proof of claim. A claim on their behalf
5 was filed by Debtor showing arrears of \$36,000 and this claim
6 was not amended by creditor and has been paid by the trustee.

7 Docket #37 (Fannie Mae) alleged \$24,385.56 post-petition
8 default (5-3-16).

9 Withdrawn, Docket #40,

10 Docket #49 (MTGLQ Investors, LP) alleged \$39,363.90 post-
11 petition default (5-3-18).

12 Removed from calendar, Docket #53.

13 Third, as indicated by the statements from various
14 servicers, the creditor has no clue what the balance is at any
15 given time or at present.
16

17
18 Rushmore statement dated 6-13-18 - unpaid amount \$42,004.41

19 SN Servicing statement dated 8-8-18 - unpaid amount \$58,704.37

20 9-5-19 - unpaid amount \$39,524.95

21 10-3-18 - unpaid amount \$40,902.40

22 11-7-18 - unpaid amount \$47,804.38

23 12-5-18 - unpaid amount \$46,975.46

24 1-2-19 - unpaid amount \$48,905.93

25 3-6-19 - unpaid amount \$51,412.05

1 Debtor has records showing payments made during that time
2 period.

3 Forth, the servicer has misapplied funds sent to pay escrow
4 arrears. Throughout the case despite repeated requests, the
5 various servicers have been unable to provide an accurate,
6 coherent and readable payment history and thus could not their
7 Motions for Relief.

8 Fifth, Debtor believes that his arrearage total less than
9 \$10,000 and is prepared to pay what is due immediately upon
10 court determination of the amount due.

11 Finally, Debtor requests that the servicer/holder pay the
12 reasonable attorney fees for having to pursue this matter.

13 Dated this 15th day of April, 2019
14

15
16 /S/ Richard J. Parker
17 RICHARD J. PARKER, OSB #800945
Attorney for Debtor

18 cc: Wayne Godare and US Bank
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON**

In re:)	
)	
SCOTT RONALD WILLOUGHBY)	Bankruptcy Case No.
)	14-33384-tmb13
Debtors.)	
)	
)	CERTIFICATE OF SERVICE
)	
)	

I, Richard J. Parker, declare as follows:

I certify that on **April 15, 2019**, I served, by **first class mail**, a full and true copy of the foregoing **Response of Debtor to Mortgage Company 4100R Filing, and Motion for Hearing on Mortgage Cure and Form 4100R Filing by US Bank** on the following by causing a copy thereof to be placed in a sealed envelope, postage prepaid, addressed as shown below, in the U.S. Mail at Portland, Oregon on the date indicated below:

Attorney for Creditor, U.S. Bank Trust National Association, as Trustee of Tiki Series III Trust,
Michelle R. Ghidotti-Gonsalves, Esq., GHIDOTTI BERGER LLP, 1920 Old Tustin Ave., Santa
Ana CA 92705

US Bank Trust National Association, Katie L. Greene, SN Servicing Corporation, SN Servicing
Corporation, 323 5th Street, Eureka CA 95501

Via Certified Mailing

U.S. Bank National Association, Andrew Cecere, President, 800 Nicollet Mall, Minneapolis MN
55402

Via Electronic Notice Only

Office of US Trustee- USTPRegion18.PL.ECF@usdoj.gov
Wayne Godare, Trustee in Bankruptcy

DATED: April 15, 2019

/s/ Richard J. Parker
Richard J. Parker, OSB #800945
Attorney for Debtor(s)

1 - CERTIFICATE OF SERVICE
(RJP/19993-8)

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